CITY COUNCIL AGENDA

JUNE 10, 2014

AMENDED AGENDA

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Office of the City Clerk

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services* —** The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development* —** Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services* —** Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services* —** A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services* —** Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services* —** Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at http://www.sanjoseca.gov/index.aspx?NID=3549. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

• Call to Order and Roll Call

9:30 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
7:00 p.m. - Public Hearings, Council Chambers, City Hall

• Invocation (District 6)

Pastor Chris Tenny, Dwell Christian Church

• Pledge of Allegiance

• Orders of the Day

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

ITEMS 3.3, 3.4, 3.5, AND 3.6 TO BE HEARD BEFORE CONSENT CALENDAR

JOINT CITY/FINANCING AUTHORITY AGENDA TO BE HEARD IMMEDIATELY FOLLOWING ITEM 3.6 AND BEFORE CONSENT CALENDAR

- Orders of the Day (Cont'd.)

* **SEE NEW ITEMS 2.4, "Mayor and Council Excused Absence Requests" and 2.27, "River Park Towers II Office Tower Building Signs," TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 76475, Rule 3(d).**

ADJOURNMENT: This meeting will be adjourned in memory of tennis coach Don Johnson, who passed away on the 10th of May. In 1976, Don created a National Junior Tennis League program for San José and was a great tennis coach for over 25 years. (Liccardo)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to the winners of the 2014 Falcon Naming Contest. (Mayor)
(Deferred from 6/3/14 – Item 1.1)
TO BE HEARD IN THE EVENING

1.2 Presentation of a commendation to six Senior Peer Leaders from the Walk with Ease, Eat for Health Program for their volunteer work and advocacy to senior health. (Constant)

1.3 Presentation of a commendation to those who were instrumental in the creation of the
***** Silicon Valley Talent Partnership. (Mayor)

1.4 Presentation of a commendation to Iglesia Ni Cristo Congregation for centennial anniversary celebration and dedicated service to residents of San José. (Nguyen)
TO BE HEARD IN THE EVENING

1.5 Presentation of a commendation to Dan Brady for his 25 years of service, dedication, and leadership to the Boy Scouts of America Troop 390, Pack 390, and Venture Crew 697 of San José. (Oliverio)
TO BE HEARD IN THE EVENING

1.6 Presentation of a proclamation recognizing June 12th as Philippines's Independence Day. (Campos)
* (Rules Committee referral 6/4/14)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

(a) Rules and Open Government Committee Report of May 21, 2014. (Mayor)
(b) Rules and Open Government Committee Report of May 7, 2014. (Mayor)
[Deferred from 6/3/14 – Item 2.3(b)]
(c) Rules and Open Government Committee Report of May 14, 2014. (Mayor)
* [Deferred from 6/3/14 – Item 2.3(c)]

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

(a) (1) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation. (Chu)
(2) Request for an excused absence for Councilmember Chu from the Regular Meeting of Neighborhood Services and Education Committee on June 12, 2014 due to Authorized City Business: Attending graduation ceremonies for Piedmont Middle School, Morrill Middle School and Sierramont Middle School. (Chu)
* (Rules Committee referral 6/4/14)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 Update of Cultural Connection Two-Year Workplan.
Attachment
* **Recommendation:** As recommended by the Community and Economic Development Committee on April 28, 2014, adopt the 2014 -2016 Prioritized Workplan to implement Cultural Connection: San José Cultural Plan for 2011 – 2020. CEQA: Not a Project, File No. PP10-069(a), Staff report. (Office of Cultural Affairs/Economic Development) [Community and Economic Development Committee referral 4/28/14 – Item D(2)] (Deferred from 5/20/14 – Item 4.4)

2. CONSENT CALENDAR

2.8 District 5 City Sponsored Events.

Recommendation: As recommended by the Rules and Open Government Committee on May 28, 2014:

(a) Approve the AB60 Information Forum on June 5, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and approve and accept donations from various individuals, business or community groups to support this event;

(b) Approve the Safe Summer Kick Off Resource Fair and Pharmaceutical Drug Turn In on June 22, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and approve and accept donations from various individuals, business or community groups to support this event;

(c) Approve the District 5 Puerto Rican Flag Raising Ceremony on June 10, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and approve and accept donations from various individuals, business or community groups to support this event; and

(d) Approve the District 5 Filipino Flag Raising on June 12, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and approve and accept donations from various individuals, business or community groups to support this event.

CEQA: Not a Project. (Campos)
[Rules Committee referral 5/28/14 – Item G(6)]

2.9 Charging Criminal Offenses and Criminal Citation Authority.

Recommendation: Approve an ordinance amending Chapter 1.08 of Title 1 of the San José Municipal Code by amending Section 1.08.010 to allow the City Attorney to charge offenses designated as misdemeanors under the Municipal Code as infractions and adding a new Section 1.08.060 to grant criminal citation authority to certain employees designated by the City Manager. CEQA: Not a Project; File No. PP10-068(c), Municipal Code or Policy that involves no changes in the physical environment. (City Attorney)

2.10 Legal Services Agreement with Reed Smith LLP.

Recommendation: Adopt a resolution authorizing the City Attorney to execute the Third Amendment to the Agreement among the Board of Administration for the Police and Fire Department Retirement Plan, the City of San José and Reed Smith LLP for legal services to increase the maximum compensation by $500,000 for an amount not to exceed $1,250,000. CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney)

2. CONSENT CALENDAR

2.11 National Night Out.

Recommendation: As recommended by the Rules and Open Government Committee on May 28, 2014:

(a) Approve the National Night Out scheduled for August 5, 2014 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (City Clerk)

[Rules Committee referral 5/28/14 – Item G(2)]

2.12 District 1 Korean Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on May 28, 2014:

(a) Approve the Korean Flag Raising as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, business or community groups to support the event.

(Constant)

[Rules Committee referral 5/28/14 – Item G(5)]

2.13 Permanent Utility Easement Agreement with the San José Water Company for the Earthquakes Stadium.

* **Recommendation:** Adopt a resolution authorizing the City Manager to execute the permanent easement agreement with the San José Water Company for water facilities installation to support the construction and operation of the San José Earthquakes' Stadium. CEQA: FMC/Coleman Avenue Planned Development Rezoning EIR, Resolution No. 71716. Council District 3. (Economic Development)

2.14 Amendment to the Lease Agreement with Smith Family Trust for Office Space Located at 1302 North Fourth Street.

Recommendation: Approve a First Amendment to the lease for 20,480 square feet of office space at 1302 North Fourth Street to extend the current term of the agreement for an additional six months (July 1, 2014 through December 31, 2014) and set the monthly rental rate during the extension period at $38,912 per month. CEQA: Exempt, File No. PP09-117. Council District 3. (Economic Development)

2. CONSENT CALENDAR

2.15 **Annual Renewal of Workforce Investment Act Programs and Projects for 2014-2015.**

Recommendation: Adopt an annual renewal resolution authorizing the City Manager or designee to negotiate and execute:

(a) All contracts, amendments, agreements, leases, subleases, and memoranda of understanding with contractors and vendors providing services to the Workforce Investment Act Program (WIA), including, but not limited to, novations or assignments, vendor training contracts, case management contracts, consultant contracts, memoranda of understanding required with Mandatory Partners for the use of One-Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA program for the period from July 1, 2014 to June 30, 2015, in accordance with procurement procedures and requirements mandated by the state and federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements that have been reviewed and approved, as required, by the Silicon Valley Workforce Investment Network (work2future) Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(b) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(c) All grants agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for the period from July 1, 2014 to June 30, 2015, so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(d) All agreements specified in Section 1 with an end term beyond the fiscal year in which the contract began (beyond June 30, 2014), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement, but not beyond the end of the following fiscal year (not beyond June 30, 2015).

(e) All agreements specified in (a) above that do not involve a disbursement of funds (no-fund agreement) beyond the fiscal year in which the agreement begins (beyond June 30, 2015), but not beyond the end of the following fiscal year (not beyond June 30, 2016).

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Economic Development)

2. CONSENT CALENDAR

2.16 **Actions Related to the Vermont House Located at 1072 and 1082 Vermont Street.**

* **Recommendation:** Adopt a resolution authorizing the Director of Housing to:

(a) Negotiate and execute an Exclusive Negotiation Agreement between the City and Abode Services for potential development of the City-owned Vermont House site, located at 1072 and 1082 Vermont Street;

(b) Negotiate and execute documents for a Predevelopment Loan between the City and Abode in an amount not to exceed $125,000; and

(c) Negotiate and execute an amendment to the Vermont House Affordability Restrictions to income-restrict the two structures based on the actual number of bedrooms.

CEQA: Negative Declaration, File No. CP97-033. Council District 6. (Housing)

2.17 **Amendment to the Agreement with Athens Insurance Services Inc. for Worker's Compensation Comprehensive Services.**

Recommendation: Approve the Second Amendment to the agreement with Athens Insurance Services DBA Athens Administrators for workers compensation comprehensive services, to adjust the total annual costs for medical cost containment services under the service areas of Utilization Review and Medical Case Management and Bill Review/Preferred Provider Organizations. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)

2.18 **Ethiopian Heritage Flag Raising.**

Recommendation: As recommended by Rules and Open Government Committee on May 28, 2014:

(a) Approve the Ethiopian Heritage Flag Raising scheduled on July 3, 2014 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Liccardo)
[Rules Committee referral 5/28/14 – Item G(4)]

2.19 **Agreement with Santa Clara Valley Water District for the Los Gatos Creek Trail.**

* **Recommendation:** Approve a Joint Use Agreement with the Santa Clara Valley Water District (SCVWD) for continued operation and maintenance of the recreational trail along Los Gatos Creek Trail on SCVWD property for a term of 25 years, with City option to renew for another 25 years. CEQA: Exempt, File No. PP14-052. Council District 6. (Parks, Recreation and Neighborhood Services)

2. CONSENT CALENDAR

2.20 **Labor Compliance Program.**

* **Recommendation:** Adopt a resolution adopting a Labor Compliance Program for all public works construction projects utilizing Proposition 84 funds (Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006). CEQA: Not a Project, File No. PP10-068(b), Municipal Code of Policy change that involves no changes to the physical environment. (Public Works)

2.21 **Report on Bids and Award of Contract for the Minnesota Avenue Sanitary Sewer Improvement Project.**

Recommendation: Report on bids and award of contract for the 6394-Minnesota Avenue Sanitary Sewer Improvement project to the low bidder, JMB Construction, Inc., in the amount of $1,063,931, and approval of a contingency in the amount of $106,000. CEQA: Exempt, File No. PP13-076. Council District 6. (Public Works)

2.22 **Annual Status Reports on Safe Neighborhood Parks and Recreation Bond Projects, Branch Library Bond Projects and Public Safety Bond Program for FY 2012-2013.**

Recommendation:

(a) Accept the Annual Status Report on the Safe Neighborhood Parks and Recreation Bond Projects for the FY 2012-2013;

(b) Accept the Annual Status Report on the Branch Library Bond Projects for the FY 2012-2013; and

(c) Accept the Annual Status Report on the Public Safety Bond Program for the FY 2012-2013.

CEQA: Not a Project, File No. PP10-069(a), Annual Reports. (Public Works)

2.23 **Actions Related to the San José International Airport Sterile Corridor Extensions at Gates 17 and 18 Project.**

Recommendation:

(a) Adopt the following Appropriation Ordinance amendments in the Airport Revenue Bond Improvement Fund:
   - (1) Increase the Federal Inspection Facility Sterile Corridor Extension appropriation to the Airport Department in the amount of $470,000; and
   - (2) Decrease the Terminal Area Improvement, Phase I appropriation to the Airport Department in the amount of $470,000.

(b) Adopt a resolution authorizing the Director of Public Works to:
   - (1) Award the construction contract for the San José International Airport Sterile Corridor Extension at Gates 17 and 18 Project to the lowest responsive and responsible bidder in an amount not to exceed $1,525,000 and approve a fifteen percent contingency;

(Item continued on the next page)

2. CONSENT CALENDAR

2.23 Actions Related to the San José International Airport Sterile Corridor Extensions at Gates 17 and 18 Project. (Cont'd.)

* **Recommendation:**

(b) (2) Hear and decide any timely bid protest(s), to make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project; and

(3) Execute change orders in excess of $100,000 within the contingency amount.

CEQA: Airport Master Plan Update EIR, Resolution Nos. 67380 and 71451, File No. PP14-035. (Public Works/City Manager)

2.24 Report on Bids and Award of Contract for the Fire Station No. 21 Project.

* **Recommendation:**

(a) Report on bids and award of the construction contract for the 3336 - Fire Station No. 21 Project to the low bidder, Sausal Corporation, Inc., to include the base bid and Add Alternates No. 1, 2 and 3, in the amount of $5,112,900, and approval of a contingency in the amount of $512,000; and

(b) Adopt the following Appropriation Ordinance amendments in the Neighborhood Security Bond Fund:

(1) Increase the Fire Station 21 – Relocation (White Road) appropriation to the Fire Department by $350,000; and

(2) Decrease the Fire Station 37 (Willow Glen) Reserve by $350,000.

CEQA: Addendum to the Evergreen-EastHills Visioning Strategy EIR, File No. PP08-184. Council District 8. (Public Works/City Manager)

2.25 Actions Related to the Downtown San José Property-Based Improvement District Annual Report.

Recommendation: Adopt a resolution:

(a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2014-2015 as filed or modified by Council;

(b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council;

(c) Directing that the City baseline services contribution in the amount of $365,000 be continued in Fiscal Year 2014-2015; and

(d) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP10-069(a), Assessments and Annual Reports. (Transportation/Public Works)

2. CONSENT CALENDAR

2.26 Agreement with MHN Services for Substance Abuse Treatment and with Managed Health Network for Employee Assistance Programs and Critical Incident Stress Management.
Supplemental

* **Recommendation:** Approve an agreement between the City and MHN Services for Substance Abuse Treatment and Managed Health Network for Employee Assistance Program and Critical Incident Stress Management for the initial period of July 1, 2014 through June 30, 2015, with additional option periods that would extend the agreement through December 31, 2016, for a total cost that will not exceed $1,512,500, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)
(Deferred from 6/3/14 – Item 2.25)

2.27 River Park Towers II Office Tower Building Signs.

Recommendation: As referred by the Rules and Open Government Committee on June 4, 2014:

(a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation; and
(b) Direct the City Manager to facilitate the installation of two mid-building signs on the River Park Towers II Office Tower located at 300 Park Avenue in Downtown San José, and approve a ten-day sunshine waiver.

CEQA: Not a Project, File No. PP10-069, Administrative activities. (Mayor)
* (Rules Committee referral 6/4/14)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3. STRATEGIC SUPPORT SERVICES

3.3 Mayor's 2014 June Budget Message.
Memo from Councilmember Campos
Memo from Councilmember Rocha

* **Recommendation:**

(a) Review, discussion and approval of the Mayor's 2014 June Budget Message.

(b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed. (Mayor)

ITEMS 3.3, 3.4, 3.5, AND 3.6 TO BE HEARD BEFORE CONSENT CALENDAR

3.4 Actions Related to the Sewer Service and Use Charges and Storm Sewer Service Charges Rates.

Recommendation:

(a) Adopt a resolution setting the following Sewer Service and Use Charge rates for 2014-2015:

Category	2014-2015 Monthly Rates
Single-Family Residential	$33.83
Multi-Family Residential	$19.35 per unit
Mobile Home	$19.39 per unit
Non-Monitored Commercial and Industrial	See Attachment A
Monitored Industrial	See Attachment A

(b) Adopt a resolution setting the following Storm Sewer Service Charge rates for 2014-2015:

Category	2014-2015 Monthly Rates
Single-Family Residential and Duplex	$7.87
Mobile Home	$3.94 per unit
Residential Condominium	$4.30 per unit
Large Multi-Family Residential (5 or more units)	$4.30 per unit
Small Multi-Family Residential (3-4 units)	$14.95
Commercial, Institutional and Industrial	See Attachment B

CEQA: Not a Project File No. PP10-067(a), Increases and Adjustments to Fees, Rates and Fares. (Environmental Services)

ITEMS 3.3, 3.4, 3.5, AND 3.6 TO BE HEARD BEFORE CONSENT CALENDAR

3. STRATEGIC SUPPORT SERVICES

3.5 Municipal Water System Water Rate Increase for 2014-2015.
Supplemental
Recommendation:
(a) Conduct a Public Hearing on proposed San José Municipal Water System 2014-2015 potable water rates and charges; and
(b) Adopt a resolution increasing the San José Municipal Water System potable water rates and charges by 11.0%, effective July 1, 2014.

CEQA: Statutorily Exempt, File No. PP10-067(a), Increase or Adjustment to Fees, Rates and Fares. Council Districts 2, 4, 7 and 8. (Environmental Services)
ITEMS 3.3, 3.4, 3.5, AND 3.6 TO BE HEARD BEFORE CONSENT CALENDAR

3.6 Approve the 2014-2015 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.

Recommendation:
(a) Adopt resolutions approving the Operating Budget for 2014-2015 for the City of San José, the Capital Budget for 2014-2015 for the City of San José, and the Five-Year Capital Improvement Program for 2015-2019 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption. Capital Budget Resolution
5-Year Capital Improvement Resolution Operating Budget Resolution
(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2014-2015.
(c) Adopt a resolution to repeal Resolution No. 76950 and set forth the Master Parking Rate Schedule to authorize parking meter rates of up to $2 per hour in parking meter zones where Smart Meters have been installed, and authorize an adjustment in the meter rate below $1 per hour in parking meter zones with underutilized on-street parking.
(d) Adopt a resolution amending Council Policy 1-15, Debt Management Policy, to amend Section II (Responsibility for Debt Management Activities) and Section III (Purposes and Parameters for Debt Issuance).
(e) Adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to amend Operating Budget, Section 8 (Debt) and Capital Improvement Program, Section 3 (Debt).

(City Manager)
(f) Approve an ordinance amending Title 4 of the San José Municipal Code to add a new Chapter 4.34 to specify the vote of the City Council required for the approval of Lease Financings.

(City Attorney)
ITEMS 3.3, 3.4, 3.5, AND 3.6 TO BE HEARD BEFORE CONSENT CALENDAR

3. STRATEGIC SUPPORT SERVICES

3.7 Actions Related to the Agreement with Google Fiber for Future Installation of Google Fiber Network.

Recommendation:

(a) Accept status report on the City's efforts to submit information requested by Google Fiber for its consideration of selecting San José for the future installation of a Google Fiber network; and

(b) Adopt a resolution authorizing the City Manager or his designee to execute a master Network Hut License Agreement with Google Fiber, and to execute Network Hut Site Terms thereunder for individual sites following City Council approval of such individual sites.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)
(Deferred from 4/29/14 – Item 3.4, et al, 6/3/14 – Item 3.3)
RECOMMEND DEFERRAL TO 6/17/14 PER ADMINISTRATION

3.8 Waiver of Revolving Door Restrictions.

Recommendation: As recommended by the Rules and Open Government Committee on May 21, 2014, deny a Waiver of the Revolving Door Restrictions for Councilmember Campos' former Chief of Staff, Josué Garcia. (City Clerk)
[Rules Committee referral 5/21/14 – Item G(4)]

3.9 Planning Commission Interviews and Appointments.

Applications Conflict of Interest Code Review
Ballot Results

Recommendation:

(a) Interview five (5) applicants for appointment to the Planning Commission;

(b) Appoint three (3) members to the Planning Commission to terms expiring June 30, 2018; and

(c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

(City Clerk)
TO BE HEARD NO EARLIER THAN 3:30 P.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Special Events Ordinance.

Supplemental from Community and Economic Development Committee 4/28/14

Recommendation: As recommended by the Community and Economic Development Committee on April 28, 2014, of the two proposed Special Events ordinances, adopt the revised community special events ordinance that would add Chapter 13.14, repeal Chapters 13.12, 13.16, and 13.22, and amend Chapter 13.44 of Title 13 of the San José Municipal Code, in order to establish a comprehensive permit process for outdoor special events on or at City streets, parks, paseos and plaza. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments involving no changes to the physical environment. (City Attorney/Economic Development)

Limited Regulation Ordinance   Revised Special Events Ordinance

[Community and Economic Development Committee referral 4/28/14 – Item D(4)]
(Deferred from 5/20/14 – Item 4.1 and 6/3/14 – Item 4.2)

4.2 ADMINISTRATIVE HEARING on and Consideration of a Planned Development Permit and Determination of Public Convenience or Necessity to Allow the Sale of Alcoholic Beverages at an Existing Retail Store.

Memo from Councilmember Rocha

Recommendation: Conduct an ADMINISTRATIVE HEARING on and consider a Planned Development Permit and Determination of Public Convenience or Necessity to allow the sale of alcoholic beverages for off-sale consumption at an existing 92,504 square foot retail store (Walmart) on an approximately 13.4 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Almaden Expressway and Highway 85, approximately 670 feet south of Cherry Avenue, and adopt a resolution reflecting the Council's action (5095 Almaden Expressway) (John Giacomazzi, Owner). CEQA: Exempt. Planning Commission recommends approval (5-1-1). (Planning, Building and Code Enforcement)

PD14-002/ABC14-001 – District 9

5. NEIGHBORHOOD SERVICES

5.1 Report on Request for Proposal for the Senior Nutrition Program.

Recommendation:

(a) Accept the report on Request for Proposal for Senior Nutrition Program;

(b) Adopt a resolution authorizing the City Manager to:

  (1) Negotiate and execute an agreement with Compass Group USA, Inc. (Bateman) to provide Citywide Senior Nutrition Services for an initial one-year term beginning October 1, 2014, through September 30, 2015, with a maximum compensation amount not to exceed $1,400,000 subject to City Council appropriation of funds; and

  (2) Execute five one (1) year options to renew the agreement, subject to the appropriation of funds.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.1 Report on Request for Proposal for the Senior Nutrition Program. (Cont'd.)

Recommendation:
CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Parks, Recreation and Neighborhood Services)
(Deferred from 5/20/14 – Item 5.1)

5.2 Report on San José's Bringing Everyone's Strength Together and Mayor's Gang Prevention Task Force Programs.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 15, 2014:
(a) Accept the Evaluation Report for FY 2012-2013 San José Bringing Everyone's Strengths Together (BEST) and the Mayor's Gang Prevention Task Force; and
(b) Approve the Resource Allocation Plan for San José BEST and Safe Summer Initiative Grant programs for FY 2014- 2015.
CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Parks, Recreation and Neighborhood Services)
[Public Safety, Finance, and Strategic Support Committee referral 5/15/14 – Item D(6)]
(Deferred from 6/3/14 – Item 5.1)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Ground Transportation Program.

Recommendation: As recommended by the Transportation and Environment Committee on May 5, 2014, accept the following changes to be incorporated as part of the new Airport Ground Transportation program directive:
(a) Accept a three year moratorium on any new taxi cab companies from servicing the City of San José; after the third year staff should determine through a "needs and necessities" process whether passenger demand supports any new taxi companies' increase in the City of San José;
(b) Require any new taxi companies to have a minimum three year experience operating taxis in San José before they can become qualified to service the Airport;
(c) During the first three years of the new Airport Ground Transportation program, require any new taxi company servicing the Airport to have been DOT GPS approved either on or before March 4, 2014; and
(d) Continue to allow individuals drivers to apply for Taxi Driver permits in the City of San José.
(Airport)
[Transportation and Environment Committee referral 5/5/14 – Item D(4)]
DROP AND REFERRED TO TRANSPORTATION AND ENVIRONMENT COMMITTEE

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Continuation of Amendments to Title 20 and to Title 6 to Establish Medical Marijuana Regulations.

Memo from the Planning Commission
Supplemental from the City Manager's Office
Supplemental from the City Clerk
Supplemental from the City Attorney
Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Liccardo and Oliverio about Title 6
Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Liccardo and Oliverio about Title 20
Memo from Councilmember Rocha
Memo from Mayor Reed
Memo from Councilmember Herrera (1)
Memo from Councilmember Herrera (2)
Memo from Councilmember Liccardo
May 20, 2014 Presentation
Planning Maps 1
List of Top 25 Collectives
Matrix of Proposed Regulations vs Initiative Measures
List of 78 Collectives
Planning Maps 2
Memo from Councilmember Herrera

****NO ADDITIONAL PUBLIC COMMENT WILL BE TAKEN ON ITEM 8.1 UNLESS THE ITEM HAS BEEN SUBSTANTIALLY CHANGED SINCE THE COUNCIL HEARD THE ITEM ON MAY 13, 2014, MAY 20, 2014 AND JUNE 3, 2014**

Recommendation:

(a) Approve an ordinance of the City of San José repealing suspended ordinance no. 28958 except for those Sections of Title 20 of the San José Municipal Code related to Zoning Code Verification Certificates previously unsuspended by Ordinance No. 29089, and amending Title 20 by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40; amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.75 to Chapter 20.80, and adding new Sections 20.100.1530, 20.100.1535 and 20.100.1540 to Part 13 of Chapter 20.100, all to establish Land Use regulations pertaining to medical marijuana collectives;

(Item continued on the next page)

8. PUBLIC SAFETY SERVICES

8.1 Continuation of Amendments to Title 20 and to Title 6 to Establish Medical Marijuana Regulations. (Cont'd.)

NO ADDITIONAL PUBLIC COMMENT WILL BE TAKEN ON ITEM 8.1 UNLESS THE ITEM HAS BEEN SUBSTANTIALLY CHANGED SINCE THE COUNCIL HEARD THE ITEM ON MAY 13, 2014, MAY 20, 2014 AND JUNE 3, 2014

Recommendation:

(b) Approve an ordinance of the City of San José amending Title 6 of the San José Municipal Code to add a new Chapter 6.88 to establish a registration process pertaining to medical marijuana collectives; and, to establish regulations pertaining to medical marijuana collectives and to the individual cultivation and use of medical marijuana; and

(c) Discussion of regulating campaign contributions by medical marijuana establishments, and other regulated businesses, to political candidates.

CEQA: Addendum to Negative Declaration File No. PP11-039 as previously addended; File No. PP14-030. Planning Commission recommends approval with modifications described in the transmittal memo. (City Manager/Planning, Building and Code Enforcement/Police)

(Continued from 5/13/14 – Item 8.1, 5/20/14 – Item 8.2 and 6/3/14 – Item 8.1)

** *Public testimony was taken at the May 13, 2014 City Council meeting. A motion was made and tabled for continued action on the May 20, 2014, June 3, 2014, and June 10, 2014 agendas.*

9. REDEVELOPMENT – SUCCESSOR AGENCY

Notice to the public: There will be no separate discussion of Redevelopment – Successor Agency Consent Calendar (Item 9.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Redevelopment – Successor Agency Consent Calendar (Item 9.1) and considered separately.

9.1 Redevelopment – Successor Agency on Consent Calendar.

Recommendation:

(a) **Actions Related to the Assignment Agreement for the MLK Library Escrow Account.**

(1) The Successor Agency approve an Assignment Agreement assigning to the City of San José the Successor Agency's right to meet and confer regarding the expenditure of restricted funds for capital improvements to the Martin Luther King (MLK) Library as provided under the original Development Agreement for the MLK Library and assigning to the City the Escrow Agreement and Joint Trust Fund Agreement associated with the MLK Library Escrow Account; and

(2) The City Council approve the Assignment Agreement and accept the assignment of the Successor Agency's right to meet and confer regarding the expenditure of restricted funds for capital improvements to the MLK Library as provided under the original Development Agreement for the MLK Library and accept the Escrow Agreement and Joint Trust Fund Agreement associated with the MLK Library Escrow Account.

(Successor Agency)

* [Deferred from 6/3/14 – Item 9.1(b)]

- Open Forum

  Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of General Plan Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 10.1) and considered separately.

10.1 Tentative approval of General Plan Consent Calendar items.
Memo from Councilmember Herrera
Recommendation:
(a) **General Plan Amendment for Dove Hill Road.**
As recommended by the Rules and Open Government Committee on April 23, 2014, direct staff to bring forward a City-initiated General Plan amendment for GP08-08-03 to change the land use designation back to Non-Urban Hillside from Public/Quasi-Public. (Herrera)
[Rules Committee referral 4/23/14 – Item G(2)]
(Continued from 5/20/14 – Item 10.1)

END OF GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

10.2 Diridon Station Area Plan and General Plan Amendment.
Supplemental distributed on 6/6/14
Memo from the Planning Commission
Planning Commission Staff Report
Diridon Station Area Plan
Implementation Strategy Report – April 2014
Art Master Plan
Plan 10-Year Horizon Analysis – April 2014
Draft Environmental Impact Report
First Amendment to the Draft Program Environmental Impact Report
Memo from Councilmember Rocha
Memo from Councilmember Liccardo
Memo from Mayor Reed
* **Recommendation:** Conduct a Public Hearing to consider taking the following actions:
(a) Certify the Environmental Impact Report for the Diridon Station Area Plan, and adopt a resolution making certain findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations, all in accordance with the California Environmental Quality Act (CEQA);

(Item continued on the next page)

10. GENERAL PLAN PUBLIC HEARINGS

10.2 Diridon Station Area Plan and General Plan Amendment. (Cont'd.)

Recommendation:

(b) Approve the Diridon Station Area Plan, Implementation Strategy Report including revised shared parking policies described in the supplemental staff memo, Art Master Plan, and 10–Year Horizon Analysis to provide a framework for transforming the Diridon Station Area into a regional transportation hub, employment center, and entertainment destination; and more specifically to use the 10–Year Horizon Analysis as a guide to assess the parking needs of near term development in the Central Zone of the Plan area, to identify opportunities for shared parking, and to ensure that the parking provisions in the City of San José and San José Arena Management agreement continue to be met.

(c) Direct Staff to pursue shared parking as a condition of development on sites that currently provide public parking within approximately one-third of a mile of the Diridon Station Area.

(d) Tentative approval of text amendments to the Envision San José 2040 General Plan to incorporate the Diridon Station Area Plan into the General Plan and designate it as an Urban Village, and to make the following General Plan Land Use/Transportation Diagram changes:

   (1) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 6.06 gross acre site generally bounded by West Julian Street to the north, Stockton Avenue to the east, The Alameda to the south, and to the west approximately 180 feet from Rhodes Court, from Mixed Use Commercial to Urban Village.

   (2) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 6.5 gross acre site generally located on both side of West San Carlos Street between Bird and Delmas Avenues, from Neighborhood/Community Commercial to Downtown.

   (3) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.36 gross acre site generally at the northeast corner of Park and Gifford Avenues, from Neighborhood/Community Commercial to Downtown.

   (4) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.14 gross acre site generally located on the east side of Josefa Street at the terminus of Columbia Avenue, approximately 200 feet south of West San Carlos Street, from Residential Neighborhood to Downtown.

   (5) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.14 gross acre site generally located on the west side of Gifford Avenue, approximately 90 feet south of West San Carlos Street, from Residential Neighborhood to Downtown.

(Item continued on the next page)

10. GENERAL PLAN PUBLIC HEARINGS

10.2 Diridon Station Area Plan and General Plan Amendment (Cont'd.)

Recommendation:

(d) (6) General Plan Amendment to change the Land Use/Transportation Diagram land use designation on a 0.38 gross acre site generally located at the northwest corner of Auzerais and Delmas Avenues, from Neighborhood/Community Commercial on 0.13 acres and Residential Neighborhood on 0.25 acres to Downtown.

(e) Approve the recommended actions outlined in the section of this report titled, "Coordination with San José Arena Management".

CEQA: Diridon Station Area Plan Environmental Impact Report (File No. PP09-163) to be considered for certification and adoption. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)
(Continued from 5/20/14 – Item 10.2)

10.3 Approve all General Plan Amendment Actions.

* **Recommendation:** Adopt a resolution approving all General Plan amendment actions from both May 20, 2014 and June 10, 2014. (Planning, Building and Code Enforcement)

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

(a) Consideration of an ordinance rezoning the real property located at the southwest corner of North 4th Street and East Saint John Street (77 North 4th Street) from CG Commercial General to DC Downtown Primary Commercial Zoning District of an approximately 0.44 gross acre site (Pittman Family Partnership, Green Valley Corporation, and Salinas Valley Corporation, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
C14-005 – District 3

(Item continued on the next page)

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar. (Cont'd.)

Recommendation:

* (b) Consideration of an ordinance rezoning the real property located at/on the south terminus of Cadwallader Avenue, approximately 1090 feet south of Prunetree Lane (4140 Cadwallader Avenue) from the A Agricultural District to the R-1-RR Residential Zoning District; there is an existing single family home on the 1.51 gross acre site. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)
C14-022 – District 8

* (c) Consideration of an ordinance rezoning the real property located on the northeast corner of South White Road and Aborn Road (3290 South White Road) from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.50 gross acre site. CEQA: Envision San José General Plan 2040 EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)
C14-023 – District 8

* (d) Consideration of an ordinance rezoning the real property located on the southwest corner of Ridder Park Drive and Schallenberger Road (750 Ridder Park Drive) from the HI Heavy Zoning District to the CIC Combined Industrial/Commercial Zoning District to allow industrial/warehouse uses on the approximately 35.67 gross acre site. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041. (Planning, Building and Code Enforcement)
C14-025 –District 3

END OF THE PUBLIC HEARINGS ON CONSENT CALENDAR

11.2 Rezoning the Real Property Located on the West Side of Almaden Expressway at the Southern Terminus of Brasilia Way.

Memo from Mayor Reed, Councilmembers Khamis and Rocha

Supplemental (1)

Supplemental (2)

* **Recommendation:**

(a) Adopt a resolution adopting the Mitigated Negative Declaration for the Brasilia Way Residential Development Project and a related Mitigation Monitoring and Reporting Program;

(b) Consideration of and vote on a Majority Protest to Rezoning PDC12-018 filed pursuant to Part 5 of Chapter 20.120 of Title 20 (Zoning Code) to protest a rezoning to the A(PD) Planned Development Zoning District on a 7.5 gross acre site located on the west side of Almaden Expressway at the southern terminus of Brasilia Way (5827 Brasilia Way); and
Please note: To override the Majority Protest in subsection (b) requires 8 or more affirmative votes (2/3).

(Item continued on the next page)

11. PUBLIC HEARINGS

11.2 Rezoning the Real Property Located on the West Side of Almaden Expressway at the Southern Terminus of Brasilia Way. (Cont'd.)

Recommendation:

(c) Consideration of an ordinance rezoning the real property located on the west side of Almaden Expressway at the southern terminus of Brasilia Way (5827 Brasilia Way) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for the development of up to 10 single-family detached residences on an approximately 7.95 gross acre site (Brasilia LLC, Owner).

CEQA: Mitigated Negative Declaration to be considered for adoption. (Planning, Building and Code Enforcement)
PDC12-018 – District 10
(Deferred from 5/13/14 – Item 11.2)

11.3 Historic Landmark Designation for "Century 21 Theatre."

Memo from Councilmember Rocha

Recommendation: Conduct a Public Hearing and adopt a resolution designating the "Century 21 Theatre" located on the south side of Olsen Drive, approximately 500 feet west of Winchester Boulevard (3161 Olsen Drive), as a City Landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature. CEQA: Exempt, File No. HL14-212. (Planning, Building and Code Enforcement)
HL14-212 – District 1

11.4 Rezoning the Real Property Located at the Northeast Corner of Park Avenue and Laurel Grove Lane.

* **Recommendation:**

(a) Adopt a resolution adopting the Mitigated Negative Declaration for the Park Avenue Senior and Multi-Family Housing Project and a related Mitigation Monitoring and Reporting Program; and

(b) Consideration of an ordinance rezoning the real property located at the northeast corner of Park Avenue and Laurel Grove Lane (777 Park Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow up to 182 multi-family attached units on 2.14 gross acres site (County of Santa Clara Housing Authority, Owner).

CEQA: Mitigated Negative Declaration to be considered for adoption. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)
PDC13-012 – District 6

11. PUBLIC HEARINGS

11.5 Rezoning the Real Property Located on the West Side of Lincoln Avenue Approximately 500 Feet South of Auzerais Avenue.

* **Recommendation:**

(a) Adopt a resolution adopting the Mitigated Negative Declaration for the 505 Lincoln Avenue Residential Project and a related Mitigation Monitoring and Reporting Program; and

(b) Consideration of an ordinance rezoning the real property located at the west side of Lincoln Avenue, approximately 500 feet south of Auzerais Avenue (505 Avenue) from the IP – Industrial Park and A(PD) Planned Development Zoning Districts to the A(PD) Planned Development Zoning District to allow a 5-story building with up to 190 multi-family residential units on a 2.94 gross acre site (SI 52 LLC, Owner).

CEQA: Mitigated Negative Declaration to be considered for adoption. (Planning, Building and Code Enforcement)

PDC13-046 – District 6

11.6 Planned Development Permit and Rezoning the Real Property Located on the Norwest Corner of Nortech Parkway and Disk Drive.

Memo from Mayor Reed

Memo from Councilmember Chu

Recommendation:

(a) Consideration of an ordinance rezoning the real property located on the northwest corner of Nortech Parkway and Disk Drive (25 Nortech Parkway) (State Street Bank and Trust, Owner) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow a reduction in the vehicle and bicycle parking requirements for a previously approve Planned Development Zoning (File PDC99-054); and

(b) Consideration of a Planned Development Permit to allow the construction of three single-story manufacturing buildings totaling 563,760 square feet on a 35.57 gross acre site.

CEQA: Addendum to the Cisco Site 6 EIR, North San José Area Development Policy EIR, and the Envision San José 2040 General Plan EIR. (Planning, Building and Code Enforcement)

PDC14-004/PD14-007 – District 4

- ## Notice of City Engineer’s Pending Decision on Final Maps

  In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

Tract	Location	Council District	Developer	Lots/Units	Type
10250	Northeast Corner of Juliet Park Drive and Rosemar Avenue	5	Rosemar Court 7, LLC	6	SFD

- ## Open Forum

  Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.

- ## Adjournment

  This meeting will be adjourned in memory of tennis coach Don Johnson, who passed away on the 10th of May. In 1976, Don created a National Junior Tennis League program for San José and was a great tennis coach for over 25 years. (Liccardo)

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

JOINT CITY OF SAN JOSE CITY COUNCIL/
FINANCING AUTHORITY AGENDA

1:30 P.M. TUESDAY, JUNE 10, 2014 CHAMBERS

TO BE HEARD IMMEDIATELY FOLLOWING ITEM 3.6 AND BEFORE CONSENT CALENDAR

1. Call to Order and Roll Call

2. City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F – Airport West Property Approval of Direct Placement with Bank of America.

*** Recommendation:**

(a) Adopt a resolution of the City Council approving and authorizing the negotiation, execution and delivery of a Continuing Covenant Agreement with Bank of America National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project), approving and authorizing the execution and delivery of a Second Amendment to General Sublease Agreement and a Second Amendment to Site and Facility Lease relating thereto, and authorizing other related actions;

(b) Adopt a resolution of the City of José Financing Authority Board approving and authorizing the negotiation, execution and delivery of a Continuing Covenant Agreement with Bank of America National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project), approving and authorizing the execution and delivery of an Amended and Restated Indenture of Trust and a Second Amendment to General Sublease Agreement and a Second Amendment to Site and Facility Lease and a Memorandum of Assignment and Termination relating thereto, and authorizing other related actions.

CEQA: Not a Project, PP10-069, City organizational and administrative activities. (Finance)

3. Open Forum

4. Adjourn the San José Financing Authority.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

    a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
    b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
    c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
    d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
    e) Persons in the audience will not place their feet on the seats in front of them.
    f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
    g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

    a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
        - No objects will be larger than 2 feet by 3 feet.
        - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
        - The items cannot create a building maintenance problem or a fire or safety hazard.
    b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
    c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)

3. Addressing the Council, Committee, Board or Commission:

   a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
   b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
   c) Speakers should discuss topics related to City business on the agenda.
   d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
   e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
   f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
   g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.